

Amendment No. 344

Assembly Amendment to Assembly Bill No. 345	(BDR 40-978)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SRF/EWR



Date: 4/18/2021

A.B. No. 345—Revises provisions relating to substance use disorders.
(BDR 40-978)



ASSEMBLY BILL NO. 345—ASSEMBLYMAN ORENTLICHER

MARCH 22, 2021

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to ~~[substance use disorders;]~~ drug paraphernalia. (BDR 40-978)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to ~~[substance use disorders; authorizing the establishment of a program for the prevention of overdoses and disease under certain circumstances; requiring the operator of such a program to report certain information to the health authority, the board of county commissioners and the State Board of Health; providing for the confidentiality of certain information concerning such a program; exempting operators, employees, volunteers and participants of such a program from certain penalties; prohibiting a practitioner, other than a veterinarian, from prescribing an opioid to certain patients unless the prescription is medically necessary; requiring such a practitioner to prescribe an opioid antagonist along with an opioid in certain circumstances;]~~ drug paraphernalia; excluding fentanyl test strips from the list of drug paraphernalia that is prohibited for delivery, sale, possession, manufacture, advertising or use in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 ~~[—Existing law authorizes a governmental entity, a nonprofit corporation, a public health~~
2 ~~program, a medical facility and certain other entities to establish a sterile hypodermic device~~
3 ~~program. (NRS 439.987) Such a program is authorized to provide: (1) sterile hypodermic~~
4 ~~devices and other related materials for safe injection drug use; and (2) information concerning~~
5 ~~certain services for persons experiencing a substance use disorder. (NRS 439.991) Existing~~
6 ~~law additionally authorizes certain providers of health care to dispense opioid antagonists with~~
7 ~~or without a prescription. (NRS 453C.110, 453C.120) Existing law also exempts a person~~
8 ~~who, in good faith, seeks medical assistance for a person who is experiencing a drug or~~
9 ~~alcohol overdose or other medical emergency or who seeks such assistance for himself or~~
10 ~~herself, or who is the subject of a good faith request for such assistance, from certain criminal~~
11 ~~liability. (NRS 453C.100) Sections 2-10 of this bill authorize the establishment of programs~~
12 ~~for the prevention of overdoses and disease, which provide a hygienic space where persons~~
13 ~~who are at least 18 years of age may consume drugs that they have obtained before arriving in~~
14 ~~the space. Sections 2-5 of this bill define relevant terms. Section 6 of this bill authorizes the~~
15 ~~board of county commissioners in a county whose population is 100,000 or more (currently~~
16 ~~Clark and Washoe Counties) to authorize the establishment of a program for the prevention of~~

overdoses and disease that operates at one fixed or mobile site upon determining that the program is likely to achieve certain purposes relating to the reduction of harm caused by the consumption of drugs. If such a program operates continuously in such a county for 2 years and achieves those goals, section 6 authorizes the State Board of Health to allow the board of county commissioners of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to authorize the establishment of such a program in the county. Section 6 prohibits a board of county commissioners from authorizing such a program to operate at more than one fixed or mobile site and from establishing additional programs until one program has operated successfully and continuously in the county for 4 years. Section 6 requires a board of county commissioners to hold an open, public hearing before approving the establishment of a new program for the prevention of overdoses and disease or the operation of an existing program for the prevention of overdoses and disease at an additional fixed or mobile site.

— Section 7 of this bill prescribes the required elements of a program for the prevention of overdoses and disease, which, in addition to a hygienic site for the consumption of drugs, must include: (1) staffing and monitoring by trained personnel; (2) the distribution and administration of opioid antagonists; (3) the distribution and disposal of hypodermic devices; (4) the administration of first aid; and (5) upon request, consultation concerning treatment for a substance use disorder and referral for such treatment. Section 7 also authorizes a program for the prevention of overdoses and disease to provide education in certain subjects relating to substance use disorders. Section 8 of this bill requires the operator of a program for the prevention of overdoses and disease to report certain information concerning the program to the health authority, the board of county commissioners and the State Board of Health annually. Sections 9 and 11 of this bill provide for the confidentiality of certain information relating to programs for the prevention of overdoses and disease. Section 10 of this bill exempts: (1) operators, staff and volunteers of a program for the prevention of overdoses and disease from certain civil or criminal liability or other penalties; and (2) persons who possess and consume drugs at a hygienic site operated by such a program from criminal liability or civil forfeiture.

— Existing law requires a practitioner, other than a veterinarian, who prescribes or dispenses to a patient more than certain amounts of a controlled substance for the treatment of pain to document the reasons for prescribing or dispensing that amount in the medical record of the patient. Existing law also prohibits such a practitioner from prescribing more than certain amounts of a controlled substance for the treatment of pain unless medically necessary. (NRS 639.2391) Section 12 of this bill prohibits such a practitioner from prescribing an opioid to a patient who is also being prescribed or has been recently prescribed a benzodiazepine or has a history of opioid use disorder or opioid overdose unless the prescription is medically necessary. Section 12 requires a practitioner who prescribes an opioid to such a patient to: (1) additionally prescribe an opioid antagonist for the patient; and (2) document in the medical record of the patient the reasons why the prescription is medically necessary and why the benefits of prescribing the opioid outweigh the risks. Section 12 additionally requires a practitioner to prescribe an opioid antagonist to a patient who is also prescribed an amount of an opioid that exceeds 50 morphine milligram equivalents per day.}]

Existing law makes it a felony to deliver, sell, possess with intent to sell or manufacture with intent to deliver or sell drug paraphernalia when the person engaging in the delivery, sale, possession or manufacture knows or reasonably should know that the drug paraphernalia will be used as such. (NRS 453.560) Existing law further makes it a felony for a person to deliver drug paraphernalia to a minor who is at least 3 years younger than the person. (NRS 453.562) Existing law additionally makes it a misdemeanor to: (1) advertise drug paraphernalia in print where one knows or should know that the advertisement is for the purpose of promoting objects designed or intended for use as drug paraphernalia; (2) use drug paraphernalia as such; or (3) possess drug paraphernalia with the intent to use it as such. (NRS 453.564, 453.566) This bill excludes fentanyl test strips from the definition of the term “drug paraphernalia” for the purposes of those offenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 13 of this bill and replace with the following new section 1:

Section 1. NRS 453.554 is hereby amended to read as follows:

453.554 1. Except as otherwise provided in subsection 2, as used in NRS 453.554 to 453.566, inclusive, unless the context otherwise requires, “drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this chapter. The term includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment, other than fentanyl test strips, used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; and

(k) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(2) Water pipes;

(3) Smoking masks;

(4) Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(5) Cocaine spoons and cocaine vials;

(6) Carburetor pipes and carburetion tubes and devices;

(7) Chamber pipes;

(8) Electric pipes;

- (9) Air-driven pipes;
(10) Chillums;
(11) Bongs; and
(12) Ice pipes or chillers.

2. The term does not include ~~any~~ :

(a) Any type of hypodermic syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection ~~or~~ ; or

(b) Fentanyl test strips.

3. As used in this section, "fentanyl test strip" means a strip used to rapidly test for the presence of fentanyl or other synthetic opiates.